FOR MYSORE STATE

Edn (1950) Dept.

MS. Serie

R.O 731 Ed

Dated 4-3-50.

K. M. Unnithan Esq., I.C.S.,
Inspector of Ml.Cls., & L.Boards, Madras.1

The Secretary to Government,
Local Administration Department, Madras.

Sir,

Roc.No. 55946 /48 C5 dated 7-1-49.

Sub:- Vasudeva Rao (Sri) C - Ex-Clerk - Bellary Municipality - Against termination of probation and removal from service - petition - Forwarded

-MT-11 Inspr-h

I forward herewith the petition dated 12-10-48 of Sri C.Vasudeva Rao, with the letter D.Dis.No.7694/48 dated 16-11-48 and endorsement N.Dis.8733/48 dated 27-11-48 of the Commissioner, Bellary Municipality, with the disposals D.Dis.No.1734/46 (84 pages) and D.Dis. 7258/43 (198 plus 28 pages) of the Bellary Municipal office.

2. The petitioner is preferred against the the punishment of termination of probation and removal from service. The petitioner preferred an appeal to the Inspector against the said punishment, and it was dismissed in this office proceedings L.Dis.No.7391/46 dated 21-9-46. The memorial is belated with reference to instruction XVII(12) of the Instructions issued with G.O.No.271 P(S) dated 4-2-1937.

P.T.O.

3. This office file L.~is.No.7391/46 dated 21-9-46 is also submitted herewith in original for favour of reference an return. The records of the Municipal office may kindly be retur direct to the Commissioner when done with.

Sd. C.R.Karunakara Menon,
For Inspector.

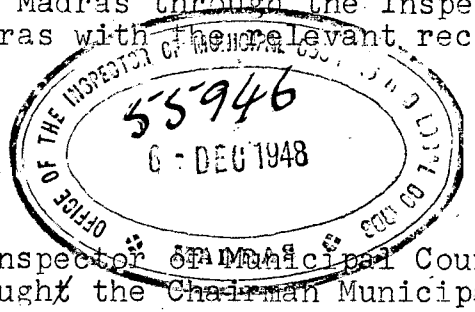
MANAGER.

By Registered post with acknowlegement due

Municipal Office
Bellary Dated 27-11-48

N Dis 8733/48 dated 27-11-48.

Resubmitted to the Secretary to Government Local Administration Department Madras through the Inspector of Municipal Council's and Local Boards Madras with the relevant records in original.



Commissioner.

To

The Inspector of Municipal Councils and Local Boards Madras.
Through the Chairman Municipal Council Bellary.

Encl:-D.Dis 1734/46 (N.F.18 pages and C.F. 66 pages)
D Dis. 7258/43 (N.F.18 pages and C.F. 198 pages)

Forwarded
Chairman.

2/27/11 Forwarded & strongly recommended.

(2) I feel that gross injustice has been done to the memorialist & no proper enquiry has been held before terminating the services of Sri. B. Vasudeva Rao by the then commissioner. From the records it is seen that it is a very hard case which deserves sympathetic consideration by the Govt so that justice maybe done to the memorialist.

Local Administration Department.

From Sri.M.C.Daniel,
Commissioner, Bellary Municipality, Bellary.

To

THE SECRETARY TO THE GOVERNMENT OF MADRAS,
Local Administration Department,
Fort St.George, M A D R A S.

Thro' ~~The~~ Sri Mundlur Gangappa Chairman, Municipal Council, Bellary.
D.DIS.No.7694/48 dated 16-11-1948.

Sir,

Sub:- Establishment - Vasudeva Rao (Sri.) C - Ex-Clerk - M.H.School, Bellary - Bellary Municipality Memorial - Presented to Hon'ble Minister, for Local Administration Department. Facts reported

Ref:- Copy of Memorial submitted by Ex-Clerk Sri.C. Vasudeva Rao.

In submitting herewith a copy of the Memorial dated 12-10-48 of Sri.C.Vasudeva Rao, Ex-Clerk of the Municipal High School, Bellary, presented to the Hon'ble Minister for Local Administration Department, during his recent visist to this place, I beg to state that the following are the facts:-

Certain charges were framed against the clerk in this office Proceedings Nos.4787/44 dated 24-5-44, 4557/45 dated 19-5-45 and R.C.No.4557/45 dated 5-6-45 for several irregularities committed by him while he was working in the Municipal High School, Bellary and for absenting himself from duty without applying for leave when he was working as clerk of the Municipal Office.

On the explanations submitted by the Clerk and after personal enquiry, my predecessor, Sri.T.A.Narasa Reddy, terminated the probation and removed him from service from 19-4-45 in his proceedings D.Dis.No.7258/45 dated 31-12-45. On this order the clerk preferred an appeal to the Inspector of Municipal Councils and Local Boards, Madras. His appeal petition dated 5-3-46 was dismissed by the Inspector of Municipal Councils and Local Boards, Madras, in his proceedings L.Dis.No.7391/46 dated 21-9-46. A copy of the Inspector of Municipal Councils and Local Board's Orders is submitted herewith.

Commissioner.

Copy of Proceedings of the Inspector of Municipal Councils and Local Boards, Madras I.

L.Dis.7391/46 dated 21-9-1946

Sub:- Appeal - Bellary Municipal Council Vs. Sri.C.Vasudeva Rao Ex-Clerk - against termination of probation and removal from service - Dismissal

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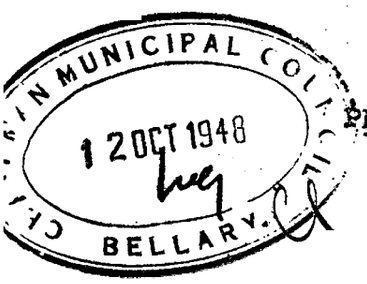
Read from the Commissioner, Bellary Muty- Roc.No.C1.1734/46 dated 20-7-46 and 11-8-1946.

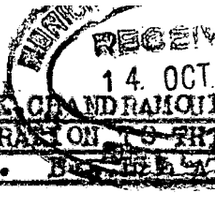
The appeal is dismissed.

sd/ xx xx
for Inspector.

/ True copy /

Commissioner.





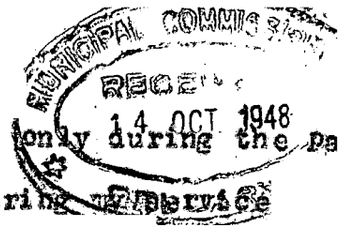
PRESENTED TO THE HON'BLE SRI. K.CHANDRAMOULI, B.A., B.L., MINISTER FOR LOCAL ADMINISTRATION TO THE GOVERNMENT OF MADRAS. (CAMP:- BELLARY). BELLARY.

Sir,

I, C.VASUDEVA RAO, Ex-Clerk, Bellary Municipality do hereby present the following Memorial with the ardent hope that you will cause the institution of an impartial enquiry into my case, in view of the gross injustice done to me in the disposal of the Appeal preferred by me to the Inspector of Municipal Councils and Local Boards, Madras (copy enclosed) against the Order of the Commissioner, Bellary Municipality.

I may here submit that it is out of fear that a MEMORIAL submitted in the usual course may go the way of its predecessors --- my several representations to the Commissioner and my appeal to the Inspector of Municipal Councils and Local Boards --- that I have ventured to present this in person eagerly waiting for an opportunity to do this in Bellary itself (as I have been prevented by my poverty to go over to Madras earlier for the same purpose) and I hope that the Hon'ble Minister will be pleased to consider with the sympathy it richly deserves.

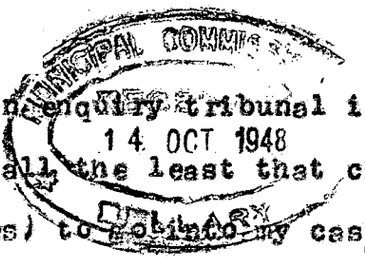
I have been the unfortunate victim of official prejudice during the pre-Independence Days, having had the misfortune to work under some imperialistic minded and autocratic Officers, who did not care to look into the justice of my cause but were carried away by official pressure and influence, and it is now my humble intention to bring to the notice of the Government how unjust and irregular orders have been passed by such Officers, resulting in untold misery to me, as I have been unjustly



deprived of my means of living, not only during the pa
three years but also some months during my service

Several charges were framed against me during the years 1943 to 1945 and I was awarded a series of punishments --- suspension for over four months (Note:- no orders have yet been passed as to how this period of my service has been treated), with-holding of my pay for one day, with-holding of Increment due to me, termination of probation inspite of my having been an approved probationer of three years standing and removal from service --- all of which were done in contravention of Rules or without proper enquiry, a procedure unheard of and unprecedented in departmental or other trials. It is my misfortune that even the Inspector of Municipal Councils and Local Boards, Madras, who is the Appellate Authority in my case, and who is expected to be fair minded and just has not cared to investigate into the matter but has, I am constrained to believe fallen a easy prey to the most unjust lead given by the prejudiced and autocratic Commissioner, as may be seen from the irregular, one sided and imperfect orders passed by him. In the very face of the facts the disposal is any easy corollary (involving the least trouble) to the evidently prejudged lead given by the Officer responsible for the original order.

It is my ordent hope that the present popular Government will set right the several wrongs done to me in the past by ordering, if necessary, the constitution of an impartial tribunal consisting of the Chairman, Municipal Council, Bellary, the present Commissioner, Bellary Municipality and any prominent local non-official of the type of Sri.Tekur Subramanyam, B.A.,B.L., to investigate my case on the findings of this tribunal but also to take such action as may be necessary on the persons responsible for driving me to this course of action.



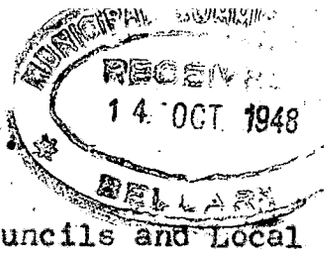
If even at this stage an enquiry tribunal is not instituted (which is, after all the least that can be expected from the authorities) to go into my case and record its findings, I will be compelled to resort to a hunger strike (the only weapon of the weak and the down-trodden) from the 1st December 1948; for I feel that it is the only way left to me to open the eyes of the authorities and the public on the one hand and miserable silent suffers like me on the other, who may be groaning under such conditions.

In conclusion I pray that the Hon'ble Minister will be pleased to look into the matter with the sympathy which is characteristic of the present popular Government and see that bare justice is meted out to me.

'Sree Vilas' Nagari Road, Bellary.
Bellary, D/. 12-10-48.

From

Tri. C.Vasudeva Rao,
"Sreevilas" Hagari Road,
BELLARY.



To

The Inspector of Municipal Councils and Local Boards,
Egmore, MADRAS.

Through,

The Commissioner,
Bellary Municipality,
BELLARY.

Sir,

I, C.Vasudeva Rao, formerly clerk, Municipal Office, Bellary, now residing at "Sreevilas" Hagari Road, Bellary, beg to submit the following appeal against the orders of the Commissioner, Bellary Municipality, communicated in his D.Dis 7258/43 dated 31-12-45 (copy enclosed vide enclosure A) and received by me on 7-1-46, terminating my probation for a clerk's post in this municipality and removing me from service from 19-4-45 and pray that the Inspector of Municipal Councils will be pleased to examine the case thoroughly and to do bare justice to me not only by ordering my reinstatement immediately with retrospective effect from the above mentioned date, 19-4-45, but also by conferring on me such rights and privileges of the service as have been unjustly denied to me.

2. Consequent on my representation to the Inspector of Municipal Councils in the matter of my claims for reemployment as a clerk in this Municipality on the ground that I acted as such for a short period in 1934, I was re-entertained as clerk on 1-12-1939 and thus commenced my probation from that date. I completed my two years service by 16-4-42 and was granted my first increment with effect from that date. I submit that I must be deemed to have satisfactorily completed my probation under the rules in force.

3. But, with the framing of charges against me for failure to prepare and issue school fee receipts relating to some months in 1943 and for failure to prepare D.C.B. statements relating to June and July 1943, communicated in the Commissioner's R.C. No. C 1. 5584/43 dated 11-10-43 followed up by a demand for an explanation for non-preparation by me of the D.C.B. statement for August 1943, both of which were simultaneously served on me towards the end of October 1943, when I had acute eye troubles necessitating my going on medical leave from 1-11-43, commenced a definite change for the worse in the attitude of the authorities towards me.

4. I rejoined duty on 1-3-44 and at my request I was granted time till 18-3-44 to submit my written statement to the charges and my explanation to the Commissioner's reference quoted above. During the latter part of my leave period (i.e. during January

January and February 1944) the school office must have been in a very unsatisfactory condition as evidenced by the subsequent developments relating to the loss of the Term-Fee Register etc. It was during this time that the Headmaster called for my explanation for my delay in despatching certain papers handed over to me in September and October 1943 by a memo dated 1-2-44. He sent me a reminder on 22-2-44. But strangely enough, after I rejoined duty on 1-3-44, he did not raise the question at all. On 21-4-44 when I attended office in obedience to his orders, not only did the Headmaster not make any reference to the above, but permitted me to leave the Head Quarters on 22-4-44 and to attend to the papers immediately after my return, which I did on 9-5-44. The delay in the despatch of the papers, which was unintentional as explained above, became the subject matter of several reports against me by the Headmaster and led to the framing of further charges against me in R.C.No. C1.4787/44 dated 24-5-1944. Soon after I rejoined duty in March 1944, when I ~~noticed~~ the prejudiced attitude of the Headmaster towards me I honestly felt that I would not be properly understood if I submitted my written statement to the charges contained in the Commissioner's R.C.No.C1. 5384/43 dated 11-10-43 ~~dated 12-10-43~~ and ~~the~~ my explanation demanded in his R.C.Cl. 7253/43 dated 12-10-43 and when I represented this to the then Commissioner, he was very sympathetic and promised to transfer me from the school. This explains my delay in submitting the written statement and my explanation. But unfortunately for me this delay too, coupled with my failure to acknowledge a staff order from the Headmaster dated 19-4-44 by mere oversight in the peculiar circumstances in which it was served (Vide my explanation to charge No. 4 in enclosure B) and two memos, one of which was sent to me during my absence from the town and the other only alleged to have been sent to me, has formed the subject matter of several other charges, all culminating in the order of suspension pending enquiry into these charges communicated in the above mentioned R.C.No. C1. 4787/44 dated 24-5-44 (Enclosure C). This order did not specify the period of suspension nor was subsistence allowance granted to me at first. It was granted only three months later at my request.

5. During this period I submitted my explanation to the charges on 19-6-44 (Vide copy enclosed-enclosure D) with a request for Judicial Enquiry in the matter. I was informed in the Commissioner's R.C. C1.7258/43 dated 25-7-44 that the enquiry would be held at 3-30 P.M. on 7-8-44 at the Municipal Office. But the time, date and place of the enquiry were all changed in the Commissioner's R.C. C1.7258/44 dated 4-9-44 and I was informed that the enquiry would be held at 9 A.M. on 9-9-44 at the Municipal High School. In this reference the Headmaster was asked to be present at the time of the enquiry with Mr. Madhava Rao and other teachers connected with the enquiry and to keep ready all the necessary records relating to the case.

6. I attended the school, as directed in the above reference, at 9 A.M. on 9-9-1944. The Headmaster, who was an important witness for the Prosecution was also present. The Commissioner began by questioning me on the subject matter of the charges and recorded my statement in the presence of the Headmaster, but he did not examine the Headmaster ~~xxxxxx~~ at all. When I expressed my desire

desire to Cross-question the Headmaster on the Procedure then being followed in the school in the matter of the disposal of references, I was not permitted to do so. My fears that the authorities had become prejudiced against me became confirmed by this strange procedure and so at this stage I prayed for permission to appear through a lawyer. But this act of mine, though necessitated by the peculiar situation that arose on that day, placed me in weaker position than it would have been if the enquiry had been finished then and there strictly in accordance with rule 4 of G.O.No. 3524 dated 4-10-1940. but point anyhow permission to appear through a lawyer was granted to me and the enquiry was posted for 16-9-44. But as my lawyers wanted time to peruse the necessary records, I was informed that the enquiry was adjourned and that the date on which it would be taken up would be intimated to me later on. In R.C. No. Cl. 7258/43 dated 27-9-44 I was informed that I would be given personal hearing on 4-10-44. But on 29-9-44, that is five days prior to the date fixed for the enquiry, I was permitted to join duty forthwith in Commissioner's R.C. No. Cl. 7258/43 dated 25-9-1944 in which reference has been made to D.Dis 2120 dated 12-9-44 of the Inspector of Municipal Councils, Madras.

7. On 4-10-1944, time was again requested for perusing all records and was accordingly given. When the case was thus subjudice the Commissioner, even advised me not to press the matter too far but to offer a mild explanation. This he said in the presence of my lawyers. On 11-10-1944 the lawyers filed my detailed written statement (enclosure B).

8. But no orders were passed in the matter for a very long time, though I was permitted to continue in service till 19-4-45. From 14-4-43 to 17-4-45 and from 19-4-45 to 25-4-45 I had to go on casual leave on grounds of ill-health and domestic worries, and subsequently I was forced by my adverse domestic circumstances at the time to apply for a month's leave from 19-4-45 and then to extend it in stages to a period of three months in all as the situation demanded. (Vide my explanation enclosure E.). In the meantime, charges were framed against me for absenting myself from duty without applying for any leave on 17-4-45, for applying for casual leave and extending the same in stages and then applying for long leave and staying away without getting the leave sanctioned and subsequently for having failed to join duty, as leave applied for by me was refused in the first instance, (vide R. C1. 4557/45 dated 19-5-45 and R.C.Cl. 4557/45 dated 5-6-45 enclosures ~~C. F. & G~~). I was not permitted to rejoin duty on 18-7-45 when I personally reported myself for duty but was instructed to await orders. As no orders were received even after the lapse of a week, i.e. till 25-7-45, I sought a personal interview with the Commissioner on that day but was ordered to submit my explanation to the charges first and then to represent my grievances. So on 26-7-45 I submitted my explanation and prayed for permission to join duty (— Vide enclosure E)). but I was not allowed to join duty at all. I was kept waiting for a period of over five months and the only order that I got was the belated D.Dis. 7253/43 dated 31-12-45 which is the subject matter of the present appeal.

9. Now coming to the charges themselves and the findings of the Commissioner thereon, I beg to submit as follows:-

(i) Charges I to III of R.C.No. 5584/43 dated 11-10-43. and charges VIII and IX of R.C.No. Cl. 4787/44 dated 24-5-1944 and commissioner's discussion of these charge in M.Dis 7258/43 dated 31-12-45.(Enclosure H C and A)

(a) It is true that I did not send my replies to charges I to III in R.C.No. 5584/43 dated 11-10-43 within 19%-3-44, but it was for the reason stated in para 4 supra. It is not true that I did not care to send any reply at all to them, for my reply to charge IX framed in Commissioner's R.C.No. 4787/44 dated 24-5-44, submitted by me on 19-6-44 is in effect my reply to these charges together with my explanation for the delay, although it may techincally be argued that it is an answer to a fresh charge. Even though my explanation was thus submitted on 19-6-44 it is not seen how in the order M.Dis 7258/43 dated 31-12-45, It is said that "I failed to offer any written statement to these charges and how it is concluded "that the charges are therefore taken to have been proved against me". In my explanation I have clearly stated the circumstances under which the receipts were got written up at a stretch, how I was not responsible for writing them and how it (writing) happened that they could not be distributed till the date of the inspection by the Commissioner. It is unfortunate that the late submission of my explanation necessitated by the special circumstances as explained above has been taken as proof positive of the charges laid at my doors.

(b) I feel constrained to say that I have been most ungenerously treated by the remark of the Commissioner contained in his discussion of Charge IX (vide enclosure A). that "I utterred a deliberate lie when I said that the then Commissioner had orally observed that I would be transferred from the High School soon and had permitted me to submit my explanation, immediately after my transfer" A close study of the case will reveal how prejudice against me was developing from about February 1944. That was why I applied for time to submit my explanation and I was granted time till 18-3-1944. By this time I was made my oral representation to the then Commissioner and got a promise from him that I would be transferred from the school. I could not put this in black and white so long as I was in service in the school as I should then have said that the Headmaster was prejudiced against me and submitted my explanation through the very same gentleman. It is unfortunate that the Commissioner has been pleased to pass this remark without caring to verify facts.

(c) In dealing with charge No. VIII which contains part of the explanation for charge No. IX, it has been argued that I could have submitted in reply to the demand for an explanation to the charges I to III framed against me in R.C.No. Cl. 5584/43 dated 11-10-43 that my eye sight was bad and that I could not attend to reading and correspondence even at the time when the explanation was demanded and I needed not have post-poned it to 11-10-44 when my lawyers filed my written statement to the subsequent charges; and it has been concluded that this is a sign of indifference and irresponsibility. I can only reiterate that my action was bonafide and if it had been any other

other ailment but an acute defect in the eye that I was suffering from at the time I could have certainly submitted my explanation very much earlier than I did. Dr. S.K.Hanumanta Rao M.B.B.S., Eye specialist, Government Head Quarters Hospital, Bellary, who treated me then, will, I am sure, testify to the condition of my eyesight at the time and produce evidence from the records at his disposal. Charges VIII and IX cannot therefore be taken as proved.

(ii) Charge I in R.C.No. Cl. 4787/44 dated 25-4-44 and Commissioner's discussion of the same. (Enclosures A and

In my explanation dated 11-10-1944 (Enclosure B), I have clearly stated that a bundle of papers was handed over to me by the Headmaster, on the night of 21-4-44, when permission to leave the station and to attend to the despatch of those papers after my return, was given to me. This bundle contained only nine of the papers referred to in the charges and several other papers. I did attend to the despatch of all these references immediately on my return on 9-5-44. It is unfortunate that the entries in the personal Register do not represent the actual facts owing to the peculiar system of making the entries in vogue in the school at the time and this was what I wanted to prove by Cross-questioning the Headmaster; but as I was not permitted to do so the matter has not come to light. No. 279/44 and the statement of games expenditure did not pass through me at all, the latter having been sent direct to the Commissioner, (as I learnt later) by the Games Secretary. This charge therefore fails.

(III) Charges II, III, V and VI of R.C.No. Cl.4787/44 dated 25-4-44 and the discussion of the Commissioner (Enclosure

I have denied the charges in the same explanation supported by acceptable reasons but I am helpless if they are not considered fairly by the authorities due to my misfortune.

(Iv) Charge IV. of R.C.No. Cl. 4787/44 dated 25-4-44 and the discussion of the Commissioner. (Enclosures C and A)

The fact was that I was absent from the station with the Headmaster's permission from 21-4-44 to 8-5-44 and so this staff order could not have been served at all. A memo dated 19-4-44 was found by me on 9-5-44 among the several papers in the bundle handed over to me on the night of 21-4-44. The statements of peon Nattekallappa relied upon by the Commissioner in his arguments relating to this charge is dated 9-4-44. This date, I submit, shows that the statement does not refer to the staff order in question. I cannot therefore be held to have failed to acknowledge the staff order and to be guilty of the charges, which therefore fails.

(v) Charge VII of R.C. No. Cl. 4787/44 dated 15-4-44 and the discussion of the Commissioner. (Enclosures C and A)

As I was not in the station on 5-5-44, the memo must have been returned un-acknowledged But no memo was sent to me on 12-5-44. The Headmaster seems to have believed the report of the watchman against me and the Commissioner

commissioner says that he sees no reason to disbelieve the Headmaster's report. As cross questioning of the Headmaster was not permitted on 9-9-44 during the enquiry the truth could not be brought out. The watchman too was not examined for the prosecution though the charge is based on his report. With all its discrepencies it should I submit be considered to have failed.

VI. In the concluding paragraph of my written statement to the charges filed by my lawyers on 11-10-44 I have explained how my suspension had lowered me in the estimation of my equals and requested that the above punishment might be held more than enough for my unfortunate irregularties. This has been quoted by the Commissioner in his proceedings (enclosure A) perhaps in support of his action. I should like to express rather more explicitly what I meant by that statement. The very fact of my being kept in abeyance even without its being meant as a punishment was lowering me in the estimation of my friends, as I was reduced to the position of an undertrial prisoner who is kept in abeyance for a prolonged period and this low estimate of me by my friends, which I had to put up with for a period of four months and more could itself be deemed a sufficient punishment for the alleged irregularities. I did not mean to justify the suspension inflicted without proper and sufficient cause. I am sorry for the ambiguity in my language and I sincerely hope that the case will be judged on its own merits and not on an error caused by poverty in my expression.

10. Even though I was permitted to join duty on 29-9-44 no orders were passed on these charges for a very long time but my movements were regarded with suspicion and prejudice against me was growing strong. On 17-2-45 ~~x~~ I attended office late by about half an hour and so did several clerks. Explanations were demanded from every one of us. While all others excused themselves by the explanations they were able to offer in their circumstances. I admitted my late attendence as I had no excuse to offer. This has been viewed as my not having submitted any explanation and I have been punished in L.Dis 1712/45 dated 20-3-45 (copy enclosed enclosure I). by this being treated as absence without ~~x~~ permission for the whole day or as leave on loss of pay which amounts to withholding of my pay for one day in February 1945 and goes against the spirit of the rule of the District Board Office Manual applicable to such cases.

11. Regarding the three charges framed against me in the Commissioner's R.C.Cl. No. 4557/45 dated 19-5-45 and R.C.Cl. No. 4557/45 dated 5-6-45, I beg to submit as follows:-

(i) Charge I.- Was that I absented myself from duty without applying for any leave on 17-4-45. I have plainly stated in my explanation dated 26-7-45 (enclosure E) that I sent my leave application for 17-4-45 through Sri. P.Venkoba Rao Revenue Inspector "B" Division. I did not get an acknowledgement in token of having filed my leave application as, such an acknowledgement is not usually got in regard to casual leave ~~xxxxxxxxxxxx~~ applications in any office. It is presumed that, when a casual leave letter is sent through a respectable member of the staff, it will safely be handed over to the concerned person and I am sure it was handed over to the authorities in this case also.

CHARGE II. That I have been absent from duty from from 14-4-45 except on 18-4-45 by applying for casual leave and extending the same on various grounds without obtaining the orders thereon of the Commissioner and absented away from duty from 30-4-45 by sending an application dated 30-4-45 for any kind of leave I am eligible for for a period of one month from the date of my absence. I had also thus left heavy arrears in my seat and did not so far furnished the D.C.B. statement. I have thus been indifferent and negligent and irresponsible.

OCT 1948

This Communication was received by me after 21-5-45 ie. some days after the lapse of the period for which I had applied for leave. While objection has been taken in this reference to my several casual leave applications from 14-4-45 to 28-4-45 my bona fides were not questioned then and there. This shows that my action which was actuated by the changing circumstances during this period was not suspected at the time when the applications were submitted.

(iii) CHARGE. III. That I have failed to join duty so far though the leave applied for by me was refused in this office reference D.C.No. C1. 4557-45 dated 19-5-45 and 21-5-45.

My answer to this charge is contained in my explanation (Enclosure E,). The language of the charge implies that would have been permitted to join duty, if only I had offered to do so on 5-6-45. Again attention is invited to the last sentence in the Commissioner's D.C.No. C1435//45 dated 15-6-45 wherein it is stated that I would be removed from service, if did not join duty at once. This implies that I would have been permitted to join duty even by 15-6-45. It has been said that " I did not care to rejoin duty when leave was first refused and that I could have gone to explaining the circumstances to the Commissioner and begged him to grant leave for any period which the Commissioner would have considered". That I have done this will be evident from my leave applications themselves. I beg to submit that I plainly stated facts and expected that leave would be granted in the usual course. I produce seems to have swayed the Commissioner's judgment and I have been denied a fair treatment.

(iv) It may be seen that the order of the Commissioner refusing leave to me for one month in the first instance was received by me some time after the expiry of the period of one month and also after my application for extension of leave for one more month was submitted by me. Again orders on this extension petition were passed "refusing the extension of leave" about the middle of this period at a time when I could not have joined duty owing to the fact, that I was then performing the funeral ceremonies of my grand father these being a religious obligation from which I could not excape. Again unfavourable orders on my third application for a further extension of leave by one month applied for by me as early as 1-6-45 were received only on 27-6-45 the day of my marriage. As a part of the third month had also lapsed by then and as I had to attend to urgent domestic affairs(as explained in my leave application) soon after that date, I could not report myself for duty earlier than 18-7-45 the date up which I had applied for leave. I may here submit that these three months of leave were applied for by me for very essential and important reasons such as, personal ill-health -

ill-health, sickness of my Grand-father followed by his sudden death, funeral ceremonies following in its wake to be performed by me,. My marriage fixed under the special circumstances of the case and settling of several intricate family affairs consequent on the death of Grand-father. My sincerity will be evident from the fact that I was willing to forego my pay for the leave period in case leave with allowance could not be granted to me. I had stated so in my leave letters. I could not imagine that leave would be refused to me at such critical moments in my life in spite of my willingness to forego any allowances for this period a loss which I was prepared to undergo on account of the exigencies of my domestic situation. It is unfortunate that the Commissioner interprets this as my having cared for my personal comforts and not having cared for the office. I cannot but say that this is the outcome of personal prejudice; as is evidenced by the way in which these charges have been dealth with. No attempt has ever been made to prove the charges. Facts stated by me have not been verified nor witnesses cited by me examined. I am therefore constrained to remark that the procedure is nothing short of a farce and I have been made the unfortunate victim. When I reported myself for duty on 18-7-45 at first and again on 27-6-45 it is not known why I was not permitted to join duty. The Commissioner, did not communicate to me in writing that I would not be permitted to join duty although in his belated order of 31-12-45 he says that he did not permit me to join duty. If for the reason that it was undesirable in the opinion of the Commissioner, that I should be permitted to join duty, in July 1945 when I reported myself for the purpose, he could have plainly stated so and passed definite orders in the case or kept me in suspension if he deemed such procedure necessary for enquiring into the charges and arriving at his findings thereon, before assessing the punishment to be awarded. During this silence for a long time I could not try for jobs elsewhere to eke out my living but had to practically starve in these hard days for more than five months. For the same reason, I could not prefer an appeal earlier.

12 (a) Now, the charges on which the final order appealed against is based come to fifteen in all, of which three ~~in 1943~~ were framed in 1943, nine in 1944, and three in 1945 and not only have all of them been kept pending without disposal then and there but several other alleged irregularities which are not relevant to the case (as they do not relate to the subject matter of the charges) have also been brought in evidently with a view to cover the inordinate delays in the procedure followed by the commissioner in regard to their disposal and to justify the magnitude of the punishment now inflicted on me after the lapse of a period of two years and a quarter since the framing of the first charge even though not a single charge has been proved beyond the shadow of doubt. The Commissioner who occupies the position of the prosecutor and the judge has not proceeded with an impartial and detached frame of mind while taking up the latter position, but has allowed his own personal ~~predilections~~ to control the course of his action as may be seen from the fact of his not examining in my presence any of the prosecution witnesses nor allowing me to cross-examine them during the enquiry on 9-9-194. and from his judgments which are not substantiated by facts.

(b) During the long period 11-10-43 to 7-1-1946 to which these charges relate, I have been the victim of several punishments as explained below:-

(i) ~~The termxinaxi~~ In the normal course I ought to have been granted my second increment from 16-6-1944 as per G.O. No. 4480 L.A. dated 9-11-1938, ~~which has been denied to me so far.~~

(ii) The termination of my probation now ~~proposed~~ contravenes the provisions of sub rule 2 of Rule 7 of G.O.No. 3917 L.A. dated 12-11-1944 as this order has been passed three years eight months after I completed my probation and not before the expiry of the period of my probation. If I had not been deemed to have completed my probation satisfactorily, as is now sought to be made out by the Commissioner in the above reference it is not seen how I was granted my first increment from 16-4-42 and how I was strongly recommended by the then Commissioner in his D.Dis 3978/43 dated 11-6-43 for the place of a King's Commissioned Officer in war service and again on 30-7-43 for the post of the probation officer of the discharged Prisoners' Aid Society, Bellary.

(iii) In his D.Dis No. 7258/43 dated 31-12-45 the Commissioner says that I was kept in suspension from 25-5-44 to 28-9-44 and that, after the expiry of the suspension period I was transferred as clerk in the main office. There is no mention of the length of my suspension period either in the original order of suspension or in the order permitting me to join duty forthwith. It is not known why it was for more than four months and why I was suddenly permitted to join duty. In reply to my request dated ~~X~~ 30-1-46 for a copy of the Inspector of Municipal councils L.Dis. 2120 dated 12-9-44 referred to in the order recalling me to duty (Enclosure J). I have been directed to address the Inspector of Local Boards himself although it is patent from the nature of the reference that a copy of the same will not be available at their late hours in that office. No specific orders have been passed even up to this date as how the suspension has been treated, except that I was allowed to draw subsistence allowance during that period.

(iv) When a list of approved Probationers was called for by the Local-fund Audit Department in 1945, I learnt that my name was unjustly dropped from the list though it could have been included as a matter of course.

(v) The withholding of my pay for 17-2-45 for having attended office late by about half an hour tantamounts to punishment without ~~any~~ enquiry and the usual procedure and is against the Provision of the rule in the matter incorporated in the District Board Office Manual according to which I could have only been made to forego a day's casual leave for two days late attendance and not to suffer loss of pay as has been done in L.Dis 1712/45 dated 20-3-45 (enclosure I).

13. It may be seen from the above that prejudice has played a prominent part in the action taken against me and justice has been thrown to the winds.

14. I pray therefore that in the light of the above, the Inspector of Municipal Councils will be pleased to do bare justice to me by

(i) Ordering immediately my reinstatement as clerk in the Municipality with retrospective effect from 19-4-45.

(ii) Directing the payment of my second ~~term~~ increment from the date on which it normally fell due.

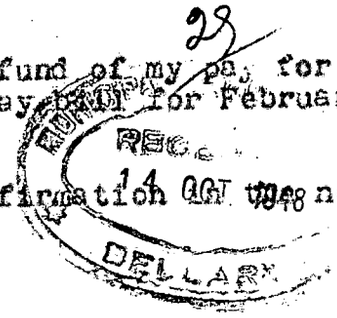
3 | 3

(iii) Permitting me to draw the full salary for the suspension period,

(iv) Ordering the refund of my pay for one day wrongly withheld from my pay-bill for February 1945,

And

(v) Directing my confirmation in the normal Course.



I beg to remain,
Sir,
Your most obedient servan

C Vasudevarao
5/3/46.

B E L L A R Y,
5---3---1946.

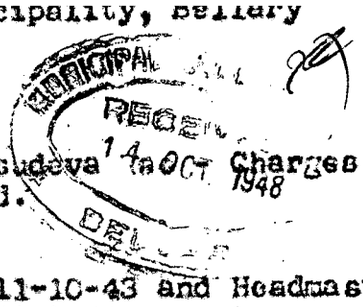
Enclosures:- "A" to "J" (Nos. 10)
in 13 papers.
Appeal Petition 10 papers.
Total Number of papers 23.

Copy submitted direct to The Inspector of Municipal Councils and Local Boards, Egmore, Madras to avoid delay.

Enclosure A

PROCEEDINGS of the Commissioner, Bellary Municipality, Bellary

Name Sri. T...Narasa Reddy B.A.,
Rt D.Dis No. 7256/43 dated 31-12-1943.



Short title - ESTABLISHMENT - Clerk Sri. C.Vasudeva Rao Charges framed against - Orders - Passed.

Read - the following:-

1. This office ...C.No. C1.5584/43 dated 11-10-43 and Headmaster's report No. 56/43 date 8-12-43, and 31-1-44.
2. Sri. C.Vasudeva Rao's letter dated 1-3-44 and this office R.C. No. C15584/43 dated 11-3-44.
3. This office Memo. R.C. No. C1.4767/44 dated 24-3-44.
4. Sri. C.Vasudeva Rao plelanation dated 19-6-44 remarks thereon by the Headmaster dated 14-7-44.
5. Writ en statement dated 11-10-44 of Sri. C.Vasudeva Rao.
6. This office Memo. R.C. C1.2240/45 dated 1-3-45 and 2..-3-45.
7. This office Memos R.C. No. C1 4557/45 dated 19-6-45, 5-6-45, 12-6-45, and 6-7-45.
8. Sri. C.Vasudeva Rao's letters dated 1-6-45, 26-7-45 and 18-7-45.

R D E R --

As a result of inspection of Municipal High School, Bellar.., y the Commissioner on ..-8-43 charges were framed against ri. C.Vasudeva ao who was then the Clerk of the High School. ney were ---

Charge No. 1. That Sri. C.Vasudeva Rao, Clerk, Municipal High School, fa les to prepare and issue school fee receipts to the pupils then and there for the amounts collected from them from January 1943 onwards.

Charge No. II. That the school fee receipts for June and July .3 were written up at a stretch but not issued till the date of inspection by the Commissi ner.

Charge No. III. That he failed to prepared D.C.B. statements from June 19.3 onwards.

Inspte of repeated reminders Sri. C.Vasudeva Rao did n.t submit any explanation to these charges. He went on medical from 1-11-43 on the ground that he had eye-trouble requiring treatment and extented the leave till the end of February 1944. On 1-3-4 he rejoined duty as clerk in the Municipal High School and requested extension of time for submission of his reply to the charges. He was grated time till 19-3-44 but he did not care to send his reply to the charges within the time allowed or even subsequently. As he had thus failed to offer any written statement of defence to these charges they are taken to have been proved against him.

On receipt of complaints from the Headmaster that he did not attend to the rugent references given to him just on the eve of the summer vocation in 1944 and did not attend the school for disposal of them. Soon after the vacation commenced, nine charges were framed against him in this office R.C. No. C 1 4767/44 dated 24-3-.. and pending enquiry into these charges he was kept under suspension He was under suspension from 25-5-4. to 28-9-44. After the expiry of this subspension period he was transferred as Clerk in the main office. His answer to the charged dated 19-6-44 together with the remarks thereon of the Headmaster dated 14-7-44 was received on 18-7-44. The oral enquiry was ajourned from time to time at his request and on 9-9-44 applied for permission go gibe a written statement on the remarks made by the Headmaster. On this replied to the charges and he was accordingly permitted. Sri. M.K. Lakshina orthy, B.A. L.L., Vakil, Bellery appeared on his behalf perused the records and filed a written statement on 11-10- 4. The answers to the charges and the written statement are examined below item by item.

Charge No. I. Charge No. 1 was that he failed to despatch the eleven references mentioned in charge which were given to him b the Headmaster on the dates on which they were approved by him and they were received in Municipal Office only on 9-5-44 after abnormal delays by him in despatch. A perusal of the Personnel Registermaintained by the Clerk during this period shows that the currents referred to were submitted by the Clerk to the Headmaster on the dates noted in in Col.6 and that they were returned by the Headmaster to the Clerk on the dates mentioned in Col. 7. In col. 5 he has mentioned 9-5-44 as the date of the references instead of date of approval by the Headmaster. These particulars are mentioned below in respect of these eleven papers:-

	Current No.	Date of submission by Clerks noted in Col. 6	Date of return to clerk as noted in Co. 7
1.	242/44.	4-4-44.	4-4-44.
2.	243/44.	-do-	-do-
3.	244/44	-do-	-do-
4.	231/44	15-4-44	15-4-44
5.	262/44	21-4-44	21-4-44.
6.	266/44	-do-	-do-
7.	250/44.	15-4-44	15-4-44. (To the Dist. Edl. Officer, Bellary sent on 9-3-44.)
8.	182/44	21-4-44	21-4-44
9.	246/44.	4-4-44.	4-4-44.
10.	279/44	-- (9-5-44)	-- (5-5-44) This is not entered in the register.
11.	Statement of games expenditure:-		15-4-44.

The Clerk explains in his written statement that these were not urgent papers and that the dealy was merely an error of discretion of his part which he requested to be condoned. There are also other currents No. 237/44 returned to clerk on 27-3-44, 243/44 and 248/44 returned to clerk on 4-4-44, 249/44, 253/44, 264/44 and 265/44 returned to clerk on 15-4-44, 258/44 and 259/44 returned on 21-4-44, all of which were all despatched by the clerk only on 9-5-44. It inexcusable to delay despatch of papers approved by the Head of the Office for a number of days after such approval and signature. The entries made by the clerk himself in the personal prove that he had failed to discharge in time. The charge is therefore proved.

Charge No. II. Charge No. II was that he failed to despatch the S.S.L.C. Register to the Headmaster, H.H.School, Anantapur, which was due to be sent to the S.S.L.C. Board, though the reference was signed and handed over the Clerk by the Headmaster on 21-4-44. The Headmaster sent two memos to the Clerk on 19-4-44 and 20-4444 asking him to attend to the despatch of the S.S.L.C. Register. On 30-4-44 the Headmaster reported to the Commissioner abou the non-attendance of the school clerk for attending to urgent office work during vacation. The Clerk admits that he received this paper from the Headmaster on 21-4-44 but says that the entry in the current register showed that it was received back by him on 15-4-44. Whether the current was received by the Clark from the Headmaster after approval on 15-4-44 or 21-4-44, his delaying its despatch till 9-5-44 is inexcusable. The Clerk simply explains that due to circumstance beyond his control (what such circumstances are, he has not explained he had to be unavoidably absent from Headquarters from 21-4-44 to 8-5-55. His explanation cannot be accepted. The charge is therefore proved.

Charge No. III. Charge No. III was that he failed to despatch to the District Educational Officer, two S.S.L.C. Registers of pupils who appeared for the S.S.L.examination in March 1944 on whose benalf condonations had been requested by the Headmaster.

MUNICIPAL REGISTRY 1948

The entries in the Personal Register relating to these are Current Nos. 248 and 249 and they were returned to the Clerk by the Headmaster on 15-4-44 but despatched by him only on 9-5-44 after a delay of 24 days. The clerk says that he received these on the night of 21-4-44 along with other most important papers and that he was under the impression that these were routine papers where delay could not be such consequence. It is a pity that the Clerk was irresponsible as to think even routine papers could be delayed so long. The inordinate delay in the despatch of such urgent paper cannot be excused. The charge is therefore proved.

Charge No. IV. Charge No. IV was that he failed to acknowledge the receipt of the staff order issued by the Headmaster on 26-4-44 directing the Clerk and the Librarian to attend office regularly during Summer vacation to bring the office work up-to-date. The peon Muthukalluppa who took the staff order to him reported on 9-5-44 that the clerk saw the staff order and told him that he would sign the same after talking to the Headmaster about it. The Clerk says that he was absent from the station with the Headmaster's permission from 21-4-44 to 8-5-44 and that the Headmaster assured him on 21-4-44 that the papers entrusted to him by the Headmaster could be attended to after his return. The headmaster says that the clerk did not take any permission from him, either oral and written, to leave the headquarters. The Headmaster who had sent so many memos and complained bitterly to the Commissioner in his reports dated 20-4-44, 4-5-44 and 9-5-44 would not have either permitted the clerk to leave the headquarters to told the clerk that he might attend the papers including urgent ones in the leisurely way he had attended to them! Failure on the part of a subordinate to acknowledge the receipt of any reference sent to him by his immediate superior officer is an unpardonable offence. The charge is therefore proved.

Charge No. V. Charge No. V was that he failed to despatch a reply relating to R.C. No. 111-A/44 dated 3-4-44 of the Dist. Educational Officer, Bellary, which was signed by the Headmaster and handed over to the Clerk with all the enclosures before the school closed for summer vacation. This charge relates to C.No. 250/44 of the Personal Register which shows that the clerk submitted the reference on 15-4-44 and got it back from the Headmaster on the date. This was despatched to the District Educational Officer only on 9-5-44. The new clerk says that he received this only on 21-4-44 and offers the same explanation as he had given for the charges I to III. The clerk has thus wantonly delayed its despatch. The charge is therefore proved.

Charge No. VI. Charge No. VI was that he failed to despatch the unclaimed S.S.L.Cs. called for in Rop. No. 41-1-44 dated 3-4-44 of the District Educational Officer, though they were given to him the Headmaster before 15-4-44 for despatch. The Headmaster says that the papers Rop. No. 41-1-44 received on 3-4-44 was handed only the Clerk on 11-4-44 along with S.S.L.Cs. for despatch. The clerk in his written statement says that this was also received by him on the night of 21-4-44 that the register had to be sent along with a statement in a prescribed form and that the non-availability of the form was responsible for the delay might be condoned. There is no justification for condoning this delay which the clerk had admitted. The charge is thereby proved.

Charge No. VII. Charge No. VII was that he failed to acknowledge a very urgent memo dated 3-5-44 sent by the Headmaster through the watchman of the High School and that a memo dated 12-5-44 was also returned unacknowledged. In his No. 263/46

dated 15-5-44 the Headmaster reported that the VERY URGENT memo dated 5-5-44 was again sent to the clerk on 12-5-44 through the watchman of the High School and it was returned unacknowledged and that a very urgent and special memo sent by him on 12-5-44 calling for the Term Fee Register, as returned unacknowledged on 13-5-44. The Clerk says that he could not receive the memo dated 5-5-44 as he was away from the station till 9-5-44, that he did not receive any memos from the Headmaster on 12-5-44 and that it was possible that the watchman have a false statement to shirk doing his duty and that if in fact a memo was brought to him there was nothing to prevent him from acknowledging its receipt in the course of official routine. I see no reason to disbelieve Headmaster's report and believe the Clerk's version. The charge is proved.

Charge No. VIII. Charge No. VIII was that he failed to submit his explanation called for in this office R.C.No. 7258/43 dated 12-10-43 even to this date and that failed to prepare and submit D.C.S. Statements of the Municipal High School for the months of August and September 1943 before he went on leave from 1-11-43 and for these and the subsequent months till the close of the school for summer vacation in April 44 even to this date. In R.C.No. 7258/43 dated 12-10-43, the Clerk Sri. C.Vasudeva Rao was called upon to explain why disciplinary action should not be taken against him for not having prepared the D.C.S. statement for August 1943. The clerk says in the written statement dated 11-10-44 that he received this ememo only on 19-10-43, that he was unfortunately in a very bad health from about September 43 and was in fact compelled to go on medical leave from 1-11-43 as his eyesight was bad and he could not attend to reading and correspondence and that he could not therefore submit his explanation required in the said memo. If this was the reason, he could have submitted to that effect in reply to that memo. This shows his utter indifference and irresponsibility. As for non-preparation of the D.C.S. statements by him, the clerk merely says that they were being prepared only by the Headmaster and he only faircopied them and that he did not know how to prepare them. This shows that he never attempted to prppare the D.C.S. statements and that he did not even care to take instructions from the Headmaster as to how to prepare them. This charge is therefore proved.

Charge No. IX. Charge No. IX was "that he failed to submit his written statement of defence to the charge framed against him in his office R.C.No. 5584/43 dated 11-10-43 even to this date". The clerk has offered the same explanation as he has offered for the earlier part of charge VIII and added that since his relationship with the Headmaster had not been good for a long time, he honestly felt that he would be prejudiced if he offered the written explanation during the time he continued in the school. He utters a deliberate lie when he says that then Commissioner had orally observed that he would be transferred from the High School soon and had permitted him to submit his explanation immediately after his transfer. Since he did not get the expected transfer, he says he did not submit his written statement. But, he did not represent to that effect in writing when he was frequently reminded about the explanation to the charges. His explanation is not satisfactory. The charge is therefore proved.

As observed by the Headmaster in his forwarding remarks date 14-7-44, it is not known what for the clerk was in the school at at if he did not receive school fees, grant receipts, prepare D.C. Write up the several attendance registers of the staff and the pup enter the term fee register and does not despatch tapals in time even though the correspondence work was done by the Headmaster. He expects all items of work and duties to be entrusted to others, leaving no work for himself. The Clerk has the audacit to say that these charges were of trivial natdre and that the subject matter of these charges were not of a serious character involving any moral turpitude what-so-ever. He stated in his writte statement dated 11-10-44 that the fact of his suspension had lowe him in the estimation of his friends and equals and requested to hold the said punishment by suspension was more than enough for his unfortunate irregularities.

From 28-9-44 to 28-10-44 Sri. C.Vasudeva Rao worked as Clerk in the electricity branch in the main office and thereafter he worked as Profession Tax Clerk in the Revenue section. In the report of the Revenue Officer that Sri. C. Vasudeva Rao who took half an hour's permission on 14-2-44 absented himself from the office throughout that day, that he was frequently going out of the office during office hours and that he was ignorant and indifferent to his work, the clerk was called upon to explain in this office R.C.No. 2440/45 dated 1-3-45. He did not submit any explanation inspite of a reminder dated 19-3-45. Again in this office R.C.No. 2440/45 dated 20-3-45, he was called upon to explain why disciplinary action should not be taken against him for his absence from office on 17-4-45 without even applying for any kind of leave for that day. He did not offer any explanation. The following series of leave applications received from him will show how utterly indifferent he was in the discharge of his official duties.

Date of leave application	Nature of leave applied for.	Period of leave.	Reasons for leave.
14-4-45.	Casual leave	14-4-45. (half day)	Severe ear-ache.
16-4-45	-do-	16-4-45.	Suffering from severe ear-ache for the last . days.
19-4-45	-do-	19-4-45	Diarrhoea since last night.
20-4-45.	-do-	20-4-45 & 21-4-45 half day with permission to avail of holiday 22-4-45.	Still suffering from diarrhoea and very weak.
23-4-45.	-do-	23-4-45.	To attend to Grand-father suffering from enlarged prostate admitted into Hospital for operation.
24-4-45	-do	24-4-45.	Grand father's condition is very bad.
26-4-45.	do-	26th and 28th April and permission to avail holiday on 29-4-45.	Grand-father's condition is very grave
30-4-45.	any leave he is eligible for	one month from 19-4-45.	grand father's condition is very prevarious.
20-5-45.	-do-	one month from 19-5-45.	presence is necessary for performing ceremonies etc. as Grand-father died on 18-5-45.

It can easily be imagined how difficult it is to get on with the office work by having a clerk who applies for leave as stated above. Two charges were therefore framed against him in this office R.C.No. C1 4557/45 dated 19- -45, and he was informed that the leave applied for a month from 19-4-45 from which date he was continuously absent from duty was refused. On receipt of his application for a month's leave dated 20-5-45, his attention was invited in this office memo dated 24-5-45 to the refusal of leave in R.C.No. C14567/45 dated 19-5-45 ad the extension of leave applied for was refused. On 1-6-45, he again applied for extention of leave for a month on the ground that his grant-father's dying wish that he should get himself married within a month of his death had to be fulfilled and that the marriage arrangements were already made by him. He also requested to permit him to answer the two charges after he rejoined duty. In this office R.C.No. C1. 4 57/45 dated 5-6-45, a third charge was framed against him for failure to join duty so far though the leave applied for by him was refused. This office memo

dated 15-6-45 in which the extension of leave applie. o: by him on 1-6-45 was refused was returned undelive ed and subsequently sent to hi. by re istered post. He also failed to submit any reply to this office memo no. 5690/ dated 12-6-45 calling upon him to account for some unexpired inspite of a reminder dated 6-7-45. On 18-7-45, he gave a report for joining duty without offering the explanation to the three charges framed against him. He was not permitted to rejoin duty as he did not rejoin duty immediately after the leave was refused in the first instance and flouted the orders issued from this office by disobeying them. On 26-7-45, he submitted his written statement of defence to the three charges, in which he states that he was the victim of adverse circumstances which forced his absence from duty during all this period, and admits that he received orders of r fusal of leave dated 15-6-45 on his application dated 1-6-45 by re istered post on 27-6-45, the da of his mar iage. Although in this order he was informed that he would be removed from service if he did not r join duty forthwith, he did not care to do so until the period of leave up lied for him by him according to his application expired on 18-7-45. He denied in answer t charge no. I that he was absent thout leave on 17-4-45. He has not explained why he could not rejoin duty w.e his leave was first refused. Thou h all the while, he was in the town, he did not care to rejoin duty when leave was first refused. He could have done so explaining the circumstances to the Commissioner and begged him to grant leave for his marriage which the Commissioner would have considered.

A clerk who is incompetant, indifferent, negligent and irresponsible in his work and how cares more for his personal conveniences and the least for the office is unfit to remain in service. He has been in Municipal service as Clerk from 1-12-39 to 20-12-39, 22-2-40, to 20-3-40 and 5-4-40 till he went on leave in April 1945. He is only a proationer and has not been declared to have satisfactorily completed his probation. In view of his most unsatisfactory and utterly indifferent work, his most irresponsible nature, his supreme contempt for memos and orders of the Commissioner and his refusal to comply with orders refusing to grant him leave and asking him to rejoing duty forthwith, I hereby order that the probation of Sri.C. Vasudeva Rao for Clerk's post in this municipality be terminated and that he be removed from service from 19-4-45 (the date from which he was continously absent) inspite of refusal of leave.

Sd. T.A. Hara a Redd,
Commissioner.

To Sri. C.Vasudeva Rao 'Srinilayam'
Ha art Road, Bellary.

(true copy)
/Forwarded/ By order/

Charge No. III. This paper was also handed over to me along with the other papers referred to in charges I and II. I was unable to submit to you my explanation as to the earlier charges. for [illegible] in the [illegible] that this paper was [illegible] April should the [illegible] that this paper was the subject matter of personal representation on the occasion of the visit. [illegible] on 13-4-44 [illegible] of this paper [illegible] fact is that [illegible] other unit [illegible] along [illegible] night [illegible] quence.

Charge No. IV. [illegible] permission [illegible] served with [illegible] order until [illegible] alleged [illegible] quirin [illegible] state that this was handed over to me along with the other papers concerned in the above charge but that left in the bundle until returned on 2-5-44. I came to know of its contents only on 9-5-44. The statement [illegible] 9-4-44 and the contents afore no reasonable basis at all for holdi that I have refused to acknowledge any staff order.

Charge No. V. This paper also was handed over to me along with the rest of 21-4-44, and I make the same submission as with regards to charges I to III.

Charge No. VII. These papers were also handed to me on the night of 21-4-44. The registers had to be sent along with a statement in a prescribed form. The form was not available and I was told that was responsible for the delay and I request that the delay may be condoned, especially so, as the [illegible] ner bound for destruction.

Charge No. VII. [illegible] could not have been sent to me or served on me because I was absent from the station with the Headmaster's permission. I invite your kind attention to the lack of any report by the Headmaster regarding my alleged failure to acknowledge the memo dated 2-5-44 until after 3-5-44. The alleged memo dated 12-5-44 was also never brought to me. It is possible that the attachment of the memo to shirk doing his duty gave a false statement knowing full well that the relationship between me and the Headmaster was not quite [illegible]. If in fact, the memo was brought to me there was nothing to prevent me from acknowledging it in the course of my official routine, and the fact that the Headmaster that I went to sign on 12-5-44 is [illegible] pointer to the fact that I have been going to him whenever he wanted me to do so.

Charge No. VIII. The office [illegible] C. No. 7.36/43 dated 12-10-43 was served on me on 19-10-43. I was unfortunately in very bad health from about September 1943 and was in fact compelled to go on medical leave [illegible] on 1-11-43. My eyes were very bad and I could not attend to reading and correspondence; and that is the only reason for my not submitting the explanation required in the above mentioned reference. I hasten to assure you that I was not prompted by any attempts at disobedience in not answering that reference as early as it ought to have been under the terms of that reference.

The D.C.Bs for the school year being prepared by the Headmaster and I used only to type-copy the data and sent them on to the Municipal Office. This was so throughout the period I worked as a Clerk in the School. I respectfully submit that if you are pleased to inspect the school records for the above mentioned periods the office copy of the D.C.Bs during all or most of the years, will be found in the hand-writing of the Headmaster. I confess I do not yet know how to prepare the D.C.B of the School and if the Headmaster does not do it I can never send the D.C.B. to the office. With regards to the D.C.Bs for August and September 1948 my failure to send them in time can only be attributed to the Headmaster not having prepared the office copy and it is possible I failed to remind him because of my very bad health during that period. In any event I request that this may be condoned. With reference to the D.C.Bs for March and April 1948, I beg to offer the same explanations as above. I may am more over be permitted to bring to your kind notice, that the affairs of the school were in a muddle during the earlier portions of 1948, the muddle having started am while I was on medical leave. No proper records, which records available and in part other the term fee register did not recall the explain regarding the collection of school fees during January and February 1948. When brought to the notice of the Headmaster he promised to rectify the matters. The Headmaster did not prepare the D.C.B. and so I could not submit the same to the office.

Charges. The charges were served on me late in October 1948. I already submitted was in very bad health during that period nor could I attend to the same during the period of casual leave. Soon after my return to the school, I found the school records in a complete chaos involving important records such as the term Fee Register etc. The relationship between me and the Headmaster which had not been quite good for a very long time past was further widened by his reports against me, not worsened because of the muddle above referred to, as I did not play to his tunes in getting over what had to. The details with regard to the attitude which I was forced to adopt in the circumstances of the case as a loyal and proper official servant was brought to the notice of the Executive Authority by my statement before the Health Officer who was the Commissioner-Delegate on 7-8-48. Under these circumstances I honestly felt that I will be prejudiced if I offer a written explanation during the time I continued in the school, made representations to this effect to the then -- Commissioner who had extended the time till 16-8-48 and he had observed broadly that I could most likely be transferred from the school very soon and he very kindly permitted me to submit my explanation immediately after the transfer. I was awaiting my transfer before I put in my written statement and since I was unfortunately not transferred could not expeditously submit the written statement.

In conclusion, I submit that the defects in my work which are the subject matter of the present charge are not of a serious character and involve no moral turpitude whatever. I humbly submit that the irregularities may, however, be regarded as beyond my control which it is but fair that I should suffer. Under the circumstances, I sympathetic consideration and have been to suffer [illegible] for a short, I am sure Your Excellency will not consider that punishment is more than adequate for the irregularities. Assuring you, Sir, that I shall always endeavour to discharge my duties to the best of my abilities.

Therefore, humbly request you to drop the charges framed against me.

Bellary,
Dated, the October 194..

I am, Sir,
Your most obedient servant.
(Sd) C. Vasudeva Rao

14 OCT 1944

Sub:- Establishment - Punishment - Sri. C.Vasudeva Rao - acting Clerk- Municipal High School - failure to discharge duties properly and failure to submit written statement for other charges framed.

Ref:- (1) No. 263/44 dated 4-5-44 of the Headmaster, Municipal High School, Bellary.
(2) -do- dated 9-5-44.
(3) -do- 30-4-44 -do-
(4) This office R.C.No. C17238/43 dated 12-10-43.
(5) R.C.No. C15584/43 dated 11-10-43.
(6) No. 263/44 dated 15-5-44 of the Headmasters Municipal High School, Bellary etc.

In his reference dated 4-5-44, the Herdmaster, Municipal High School, Bellary writes that the clerk Sri. C.Vasudeva Rao has failed to despatch to the Headmasters Municipal High School, Anantapur, the letter which was signed and handed over to him on 21-4-44 and which had to be submitted to the Secretary S.S.L.C. Board, though the matter was of a very urgent and important one. In his No. 263 dated 9-5-44, the Headmasters Municipal High School Bellary has complained that despite the issue of staff order the clerk has failed to attend to duty, and has failed to despatch references approved by him as far back as 3-4-44. In the same reference it is also stated that a reply to R.C. No. 111 5/44 dated 8-4-44 of the District Educational Officer, which was signed by the Headmaster and handed over the clerk with all the enclosures before the school closed for summer vacation has not be en despatched even to this day as also the unclaimed S.S.L.C. registers called for by the District Educational Officer in his Ref. No. 41-1-44 dated 5-4-44 even though they were given to the clerk by the Headmaster before 15th of April 44. It is also reported that the clerk has become so careless as not even to attend to the preparation of pay bills for April 44 and the Headmaster was called to prepared and send them. In an other reference date 15-5-44 the Headmaster reports that a very urgent memo dated 5-5-44 which was sent to the clerk on 12-5-44 through the Watchman of the High School was returned unacknowledged The Headmaster also writes that a special memo dated 12-5-44 calling for the term fee register was also returned unacknowledged on 13-5-44 at 3-30 p.m. From the above it is quite obvious that the clerk has utterly failed to discharge his duties. His failure to acknowledge the letters and notes sent by the Headmaster shows how disobedient he is towards his superiors. His failure also to submit his explanation and written statement to other memos and charges framed against him shows that he is not amenable to discipline. His behaviour calls for disciplinary action. The following further charges are therefore framed against Sri. C. Vasudeva Rao, acting clerk, Municipal High School, Bellary.

Charge I. That he failed to despatch the following references given to him by the Headmaster on the dates on which they were approved by him and that they were received in this office only on 9-5-44 after abnormal delays by him.

1. No. 241 dated 3-3-44/3-4-44. 2. No. 242/3-4-44.
3. Statement of games expenditure for March 44/15-4-44.
4. No. 246/4-4-44. 5. No. 251/11-4-44. 6262/19-4-44.
7. No. 256/3-4-44. 8. No. 251/15-4-44. 9. No. 182/13/4/44.
10. 246/6-4-44. 11. No. 279/3-5-44.

Charge II:- That he failed to despatch the S.S.L.C. required by the Headmaster, High School, Anantapur, which was due to the S.S.L.C. Board, though the reference was signed and handed over to him by the Headmaster on 21-4-44.

Charge III. That he failed to despatch to the District Educational Officer the two S.S.L.C. registers of pupils who have

appeared for the S.S.L.C. examination of March 1944 on whose behalf condonations had been requested by the headmaster.

Charge IV. That he failed to reconcile even to this date the staff order issued by the headmaster on 26-1-44 directing the clerk and the Attender to attend office regularly during summer vacation to bring the office work up to date.

Charge V. That he failed to despatch even to this date a registered letter No. 41-1-/44 dated 5-4-44 of the District Educational Officer, which was signed by the Headmaster and handed over to the clerk with all the enclosures before the school closed for summer vacation.

Charge VI: That he failed to despatch even to this day the unclaimed S.S.L.C.s called for in Ref. No. 41-1-/44 dated 5-4-44 of the District Educational Officer, though they were given to him by the Headmaster, M.H.School, Bellary before the 15th of April 1944

Charge VII. That he failed to acknowledge as very urgent memo dated 5-5-44 issued by the headmaster Municipal High School, and which was sent through the watchman of the High School and that memo dated 12-5-44 also returned unacknowledged.

Charge VIII. That he failed to submit his explanation to this office R.C. No. 7258-43 12-X-43 even to this date and that he failed to prepare and submit the D.C.S. statements of the M.H.S. Bellary, for the months of August and September 43 before he went on leave from 1-11-43 to 31-1-44 and for these and subsequent months and till the close of the school for summer vacation even to this date.

Charge IX. That he failed submit his written statement to the charges framed in this office memo No. 9564-43 dated 11-10-43 even to this date.

He is directed to submit written statement of defence to the above charges within 7 days of the receipt of this memo. He should also state whether he desires to be heard in person, whether he desires to persue any records or examine any witnesses. He is also informed that in case he fails to submit his written statement within the time now granted it will presumed that he has no explanation to offer and the charges will be disposed off exparte on their own merits. He should submit his explanation through the Head Master, M.H.S. Bellary who should offer his remarks on the same.

Pending enquiry into the charges, Sri. C.Vasudeva Rao, clerk M.H.S.. is kept under suspension.

Enclosure D

...RY,
...1944.

14 OCT 1948

The Commissioner,
Bellary Municipality, Bellary.

thro'

The Headmaster,
Municipal High School, Bellary.

Sir,

ref:- Your R.C.No. C1 4737/44 dated 24-5-44.

ANSWER TO CHARGES I to VII.

On the date of closing the school no orders either oral or written had been passed to the effect that I should work during the vacation. Had I been ordered to stay hereduring the vacation and attend to work (as I had been ordered during the previous years) I would certainly have stayed here and attended to any work that might have been entrusted to me. It has never been my intention to disobey orders. The staff order is said to have been returned unacknowledged by peons to have been issued more than a week after the closure of the school, when I was not in the town. The very fact that I attended office on 21-4-44 in obedience to the order of Headmaster shows how I have always been loyal and faithful. It was only at 9 A.M. on that day that a bundle of papers were handed over to me for necessary action for the first time during the vacation. The bundle contained papers in charges I, II, III, V & VI. I informed the Headmaster that I had to leave the town urgently early in the morning on 22-4-44 and the Headmaster assured me that the papers as had entrusted to me could be attended to the despatch of the references in question. There has thus been neither delay or disobedience of orders on my part. The memo dated 8-8-43 was sent to me in my absence from station and this explains why it was returned unacknowledged. That I am not aware if the other memo is said to have been issued on 12-8-43.

ANSWER TO CHARGES VIII and IX.

Written statement and explanation called for in references R.C. No. 5584/43 dated 11-10-43 and R.C.No. 7258/43 dated 18-10-43.

---

1. Till about October 1941 the school had two clerks. Subsequently one clerk was removed and entire school work had to be attended to by me who was the only Clerk. Even when there were two clerks, it was not possible to make fee receipts to pupils then and there and the collections made were noted directly in Daily Fee Collection Register writing their names. The receipts were written subsequently and receipt numbers were posted in the Daily Fee Collection Register. I, as the only Clerk of the School was managing with the greatest difficulty the collection of fees and the issue of receipts till September 1942 ~~xxxxxx~~ following the above procedure. Then in the month of September 1942 the School shed was burnt and due to the other disturbances by the student etc. there was a great increase in the correspondence of the school work. I complained to the Headmaster about the increase of my work and asked for some relief. He proposed to get the school fee receipts written up by the Librarian who had practically very little work to do. I believed that he had done so. I did not discover the non-writing of the receipts till the time of the audit.

ii. I did not write the receipts for June and July 1943. In June and July 1943, I had very great pressure of work on account of the new admissions and withdraws and the Headmaster promised to entrust the work of the writing of the receipts to the Librarian or others. The Headmaster had got them written up by several master at a stretch in a hurry after the receipts of the memo. R.C. No. C1 5715/43 dated 8-8-43 of the Commissioner. As the writing of the receipts was finished only a day prior to the inspection by the Commissioner and as the day of inspection happened

to be a holida, the could not be issued to the pupils.

iii. [illegible] joined as a Clerk, the said master was himself [illegible] the L.C.C. state ents in a book, and this owing the clerk of the Libraries [illegible] Library [illegible] the L.C.C. state ents were in accordance with the procedure for preparing the same. [illegible] and later did not [illegible] to prepare it himself nor was he told by [illegible] to prepare these statements. Hence the delay in submitting the statements.

In conclusion, I beg to submit that the reduction of staff by one clerk, circumstances [illegible], student strength, etc. and consequent increase in the correspondence, compare the prompt attention of the School work by a clerk to hand. I complained this fact to the Headmaster and steps have been taken to relieve the defects. Proper distribution of work has not been made between the Clerk and the Librarian.

Regarding the delay in the explanation and written statement demanded from me in the above quoted reference I beg to submit as follows:

On receipt after the receipt of the memo, I went on medical leave as I was suffering from severe trouble and joined duty only on 1-3-44. When I was given time till 15-3-44 and I was also told by the then Headmaster that I would be transferred in short time from the school. I was awaiting orders in the matter in order to submit my explanation and my written statement to the charges, while working under a different master.

The charges against me are of very trivial nature and later developments, since the Headmaster was called upon to explain as to why the fee receipts were not written up and the L.C.C. statements were not submitted in time. The school fees were being collected by the Librarian. The above [illegible] of the Headmaster who was making the necessary entries in the Fee Collection and other registers. Thus the responsibility [illegible] I submit therefore that I should not be held responsible for the defects pointed out for they are more due to the tactics of [illegible] in the school for the past several years, than to any negligence or [illegible] of sort. I submit that this is obvious from the fact that the Headmaster did not frame any charges against me either for neglect of duty or disobedience or incubordination [illegible] during the period of over three year

Enclosure E

MUNICIPAL OFFICE
RECEIVED
14 OCT 1948

Sub:- Reply to charges framed.

Ref:- R.C.No. Cl. 4557/45 dated 1946-45, 24-5-45, 5-6-45 and 15-6-45 and personal interview on 25-7-45

In obedience to your oral orders at the personal interviw you were pleased to grant me yesterday directing my case in writing, I beg to submit as follows:-

It is extremely unfortunate that I should have been the victim of adverse circumstances (from 14-4-45 to 18-7-45 inclusive which forced my absence from duty during this period and led to the framing of the charges referred to supra. But I beg to submi respectfully that the reasons stated in my several leave applications are all genuine as I never wanted to hide facts.

The necessity for the leave arose on 14-4-45 when I began to suffer from severe ear-ache. As the trouble continued even on 16-4-45, the date on which I had to join, I again sent ~~xix~~ in my ~~ix~~ leave application for that day expecting that I would get better by the next day. As the condition did not improve in any way on 17-4-45, I very well remember that I sent again another leave application for that day through Sri. P.Venkoba Rao, Revenue Inspector "B" Division. As I felt better on 18-4-45, I attended office on that day. But as ill-luck would have it, I had an attach of diarrhoea on 19-4-45, which necessitated my apply for casual leave for three days and for permission to avail of the holiday 22-4-45. I would have attended office on 23-4-45 but for the critical condition of my grandfather who was on his death-bed in the Head-quarters Hospital, Bellary with no one else to attend on him. It was this circumstance that forced me to apply for a month's lave. As the gentlemen died on 18-5-45 and had to perform the obsequies and settle some intricate family affairs I had to apply on 20-5-45 for an extension of leave for one month, though neither the leave applied for in my first application nor the extension requested in the second were granted. It was settled in the interims that I should get married and that certain domestic affairs should be settled in a particular way. Necessity, therefore rove me to submit another application dated 1-6-45 praying for leave up to 18-7-45, with a detailed explantion of the circumstances. Orders on this petition - again unfourable to me - were received by me by Registered Post on 27-6-45, the day of my marriage. In this reference I was informed that if I failed to join duty at once I would be removed from service.

As it has been inevitable, as explained above, I had to be absent from duty till 18-7-45, the dates to which I had applied for leave. On 18-7-45 I reported myself for duty, as you ~~xxx~~ are well aware; but have not been permitted to join duty as far.

While events happened in quick succession for a period of three months necessitating my going on leave continously during that perod, I should think it my peculiar ill-luck not only to have been refused leave for the whole period but also to have been charged with indifference, negligence and irresponsibility and failure to join duty so far (about 27-6-45) and not to have been permitted to join duty so far. even though I reported myself for the same on 18-7-45.

In the light of the above I beg to state in answer to Charge I (in R.C.No. Cl 4557/45 dated 19-5-45 that I did not absent myself for duty without applying for any leave on 17-4-45 (2) to charge II, that I have been forced to absent myself from duty on account of extraordinary adverse circumstances but I have never been indifferent, neglect or irresponsible. and to Charge III (R.C.No.4557/45 dated 5-6-45) that I could not report myself for duty earlier than 18-7-45 in the cinsumstances detailed above.

In conclusion I may be permitted to state that in all my conduc in this affair I was actuated by bonafide intentions and by a desire to present facts exactly as they were from time to time. I therefore pray that I may permitted to join duty at once either in the orrice or on outdoor work.

BELLARY,
26-7-45.

I beg to r main,
Sir,
Your most obedient servant,
(Sd) B.Vasudeva Rao.

(true copy)

PROCEEDINGS of the Commissioner, Bellary Municipality, Bellary
Name:- Sri. T.A.Moresa Reddy, B...,
.C.No. C1.4557/45 dated 19-5-1945.

Short title - Establishment - Leave - Sri. C.Vasudeva Rao. absence from duty - Charges - Framed.

Read - the following:-
Need applications for leave dated 14,16,19,20,23,24,26 and 30-4-45 received from Sri. C.Vasudeva Rao. Clerk Municipal Office, Bellary.

In his applications dated 14-4-45 and 16th April 1945 the Clerk Sri. C.Vasudeva Rao, applied for casual leave on the ground that he was suffering from severe ear-ache. On the 17th April 1945 also the Clerk was absent, but no leave application is forthcoming. He attended office on 18-4-45 and applied for casual leave on 19th, 20th and 21st April 1945 on the ground that he was suffering from diarrhoea and applied for permission to avail holiday on 22-4-45. From 23-4-45 he stayed away from duty and applied for casual leave from 23rd to 28th April 1945 with permission to avail the holiday on 29-4-45 on the ground that his grand-father's condition was very serious. On 30th April 1945 he sent an application for leave for a month of whatever kind he was eligible for, from the date of his absence from duty. He also availed of the holidays on 13th and 15th of that month. Since he was applying for and extending his leave bit by bit the work in his seat suffered for want of substitute who could not be appointed in the circumstances. The Clerk has thus been negligent in his duties and very irresponsible. The following charges is therefore framed against him.

Charge I. That he absented himself from duty without applying for any leave on 17-4-45.

Charge II. That he has been absent from duty from 14-4-45 expect on 13-4-45 by applying for casual leave and extending the same on various grounds without obtaining the orders thereon of the Commissioner and also stayed away from duty from 30-4-45 by sending an application dated 30-4-45 for any kind of leave he is eligible for a period of one month from the date of his absence. He has thus left heavy arrears in his seat and did not do far furnished the D.C.E. statement. He has thus been indifferent negligent and irresponsible.

Sri. C.Vasudeva Rao should submit his written statement of defence within a weekfrom the date of receipt of this memo and show cause why he should not be removed from service forwith. He should also state whether he desires any personal hearing.

He is informed that the leave applied for a month from 19-4-45 from which date he is continuously absent is refused.

Teresa Reddy,
Commissioner.

Enclosure dr

51

I.C...o. C.I. 4557-48.

Office of the Chief Office,
RECOVERY, dated 5-10-48.

14 OCT 1948

and.

Sub:- Entertainment - Leave - Sri. C.Vasudeva ... - refusal - ... to joint duty - Charge ... framed.

Ref:- This office ... o. C.I. 4557-48 dated 19-9-48 and 24-9-48.

Though the leave applied for by Sri. C.Vasudeva he was refused by this office I.C.No. 4557-48 dated 19-9-48 and his attention was especially drawn to the orders again in this office referenced 2nd cited, he has so far not joined duty. The following charge is framed against him in addition to the charge framed against him already in I.C.No. C.I. 5557-48 dated 29-9-48.

Charge VIII. That he has failed to join duty, so far though the leave applied for by him was refused in this office referenced ... o. C.I.4557-48 dated 19-9-48 and 24-9-48.

... is directed to submit his written statement to the above within 7 days of the receipt of this memo. He should also state whether he desires an oral hearing.

... V. ...,
Commissioner-Delegate.

To

Sri. C.Vasudeva ..., ..., Low ... Division Clerk, Bellary.

R.C. No. C1 5584/43.

Bellary, dated 11-10-43.

Sub:- Accounts - E-H-School, Bellary - Failure to issue School fee receipts and prepare D.C.L. C.Vasudeva Rao - Explanation - Called for.

Ref:- X5/43 dated 30-9-43 of the Headmaster, E.H.School Bellary.

The Headmaster in his ref. quoted above writes that the clerk Sri. C.Vasudeva Rao, who is responsible for the prompt preperation and issue of School fee receipts has failed to discharge his duties satisfactorily. He has even failed to prepared D.C.L. statements. The following charges are therefore framed against him for his gross neglect of duty.

Charge I. That Sri. C.Vasudeva Rao, Clerk E.H.School, Bellary has failed to prepare and issue School fee receipts to the pupils then and therefor the amounts collected from them from January 1943 onwards.

Charge II. That the school fee receipts for June and July 1943 were written up at a stretch but not issued till the date of inspection the Commissioner.

Charge III. That he failed to prepare D.C.L. Statements from June 1943 onwards.

His written statement to the above charges should be submitted within 7 days through the Headmaster, E.H.School, Bellary. He should also state whether he desires an oral hearing.

K.Venkatachari,
Commissioner.

To Sri C.Vasudeva Rao, Clerk, E.H.School, Bellary.
Copy to the Headmaster, E.H.School, Bellary

A.Dis 1712/45.

Sub:- Estt. Branch - Late attendance
Ref:- Explanation of clerks concerned.

The clerks mentioned below were called on to explain their late attendance on 1/2-43. All the clerks except Sri.C.Vasudeva Rao, submitted their explanations. Those explanations were examined and found to be unsatisfactory and cannot therefore be accepted. They are however warned to be more careful in future.

1. V.Bhimaswami 2. T.Sadhavendra Rao. 3. Jethu Rao 4. Srinivas Rao 5. K.Gurubadha Rao. 6. V.Satyanarayanamurthy. 7. T.Narasimhaiah 8. D.Kallu Rao. 9. P.Peraiah. 10. [illegible] Rao 11. A.Narasimha Rao 12. K.Krishna Rao 13. [illegible] Jesse 14. C.Vasudeva Rao.

Sri. C.Vasudeva Rao in his usual way, did not care to offer his explanation it is presumed that he has not explanation to offer. As late attendance on 1/2-43 is treated as absence without permission, the case is treated as leave on loss of pay for that date.

P.S.Arasu, I.C.S.,
Collector.

The Co missioner,
Bell ry Municipality,
BELLARY.

Sir,

I request you to kindly furnish me a copy of the Inspector of Local Boards L.Dis No. 11201/44 date. 12-9-1944, referred to in your emo. h.C. Cl. 7258/43 dated 25-9-1944 at an early date.

A sum of one Rupee (Rs. 1-0-0) has been remitted into the Municipal treasury this day in challan No. 2535/46 dated 30-1-46 towards the fees fixed for the above. If this fees does not cover the amount due for the purpose I am prepared to remit the balance.

BELLARY,
30-1-46.

I beg to remain,
Sir,
Your most obedient servant,
Sd. C.Vasudeva Rao.

N.D 8861/46 dt. 3-2-46:-
Returned:- 2. He ma, address Inspector of Municipal Councils Madras as the record quoted by him is a reference

To

Sri. Vasudeva Rao

Establishment - Municipal Council Bellary - Vasudeva Rao Ex-clerk Municipal High School Bellary. Memorial against termination of probation + removal from service - Rejected

Memorial from C. Vasudeva Rao - Ex-clerk Municipal High School Bellary dated 12.10.48

From the Commissioner Bellary Municipality D. Dis no 7694/48 dt 16-11-48

From the Inspector of Municipal Councils & Local Boards Roc. no 55946/48. C.5 dt 7-1-49

Order no 731 Education dated 6.3.50

The memorial is rejected.

3.3.50 / RD Bellary

1.12.45 & 1734/46 dt 7.10.46 (returned by Registrar).

Education and Public Health Dept
B 1 section.

Establishment - Municipal Council Bellary- Vasudev Rao Sri C- Ex-Clerk Municipal High school Bellary - Memorial against termination of probation and removal from service

Memorial from C.Vasudeva Rao - Exclerk Municipal high school Bellary dated 12-10-48

From the Commissioner Bellary Municipality D.Dis No 7694/48 dated 16-11-48

From the Inspector of Municipal Councils and localbo R.O.C.No 55946/48 C5 dated 7-1-49

The case relates to the memorial of Sri C. Vasudeva Rao Ex-clerk Municipal high school Bellary against the orders terminating his probation and discharging him from service. The facts of the case are briefly as follows:-

2.The memorialist was appointed to act as a clerk in the Municipal high school Bellary from 1-12 He acted as a clerk from 1-12-39 to 20-12-39, from 22-2-40 to 20-3-40 and continuously from 5-4-40 till he was removed from service from 19-4-45 . On receipt of report from the headmaster of the Municipal High school, charges were framed in the Commissioner's proceedings R.C.No 5584/43 dated 11-10-43 for failure to prepare and issue school fee receipts to the pupils then and there for the amounts collected from January 1943 onwards, (2) that the school fee receipts were written of at a stretch but not issued till the date of inspection by the Commissioner and (3) that he failed to prepare the ~~D.C.B.~~ Demand, collection and balance statements from june 1943 onward The clerk did not submit his explanation but went on medical leave for treatment of eye trouble till the end of February 1944. He rejoined duty on 1-3-44 and was granted time to submit his explantion till 19-3-44 but he failed to submit it within that period (These included as charge IX in the subsequent proceedings ~~charges were taken to have been proved against him.~~

3.On receipt of further complaints from the headmaster, nine charges were framed against the memorialist and he was kept under suspension pending enquiry- Vide Commissioner's proceedings. No 4787/44 dated 24-5-44. Charges 1 to VII and V& V1 related to his failure to despatch the references including urgent ones and the S.S.L.C registers as required by the headmaster, charges 1V and VII to the failure to acknowledge the staff order to attend school during vacation and two memos issued by the headmaster and charges VIII and 1X to the failure to submit the explanation called in the Commissioner's proceedings of 1943 referred to in para 2 above and to prepare the D.C.B. statements from August 1943. The written explanation to the charges was filed on 19-6-44. The case was posted for enquiry thrice but had to be postponed as the party wanted to peruse the records etc. The Commissioner applied to the Inspector of Municipal Councils for extension of the period of suspension, but the Inspector refused to grant extension. On the advice of the Inspector, the clerk was posted to the municipal office and joined on 25-10-44. The clerk was allowed to present his case through an advocate and a supplemental statement was filed on 11-10-44. No witnessess were cited for examination and no personal hearing was sought for. The petitioner requested that the charges framed against him might be dropped in view of the period of suspension already undergone by him. The Commissioner did not pass orders as he wanted to see whether the clerk would improve after transfer to the municipal office.

4. The clerk frequently absented himself from 17-4-45 and then applied for leave for one month from 19.4.45. This was refused. He extended his leave by a month at a time charges were framed against the clerk in the Commissioner's proceedings No 4557/45 dated 19-5-45 and R.C. 4557/45 dated 5-6-45 for absence from duty without applying for leave or permission and for failure to join duty when leave was refused. The memorialist's explanation to these charges was that on account of the demise of his grand father his marraige and other domestic troubles he had to be absent from 14-4-45. In the Commissioner's proceedings D.Dis 7258/45 dated 31-12-45, the charges framed against the clerk were considered to have been proved. His probation was therefore terminated and he was removed from service from 19-4-45 the date from which he was continuously on leave inspite of refusals of leave.

5.The memorialist preferred an appeal to the Inspector of Municipal

Councils and Local Boards (the appellate authority) and it was dismissed-~~(Please see Inspector's proceedings L.Dis No 7391/46 dated 21-9-46)~~ as the explanation given to the various charges were unsatisfactory, the appellant was incompetent. indifferent, negligent and irresponsible in his work - vide pp 3-5 of the notes connected with the Inspector's proceedings at C

6 The clerk has now memorialised the Govt against the orders passed on appeal. His grievances are briefly noted oh below:-

(1) Suspension pending enquiry for over three months and failure to issue orders as to how the period is now to be treated. This was not treated as a substantive punishment as the clerk was permitted to join duty before the enquiry was over. The Commissioner may be asked as how the period has now been treated.

(2) Withholding of pay for one day. This was probably for absence without permission. It may be held that this is a matter within the discretion of the Commissioner and this was probably done to prevent such absence. This need not be considered as a punishment.

(3). Withholding of the increments due after the drawal of the first increment from the Commissioner's remarks at X on page 52 of the Inspector's proceedings it is seen that the clerk was not given the second increment from 16-6-44 as charges against the clerk were pending disposal. The Commissioner may be asked whether the increment has since been allowed, and the arrears of pay has been disbursed.

(4) Termination of probation of an approved probationer. This is untenable. No orders were passed after the expiry of the period of two years that the clerk had satisfactorily completed his probation, nor was the probation extended as required by sub-rule (2) of rule 7 of the rules relating to establishments under municipal councils. He therefore continued to be a probationer who had not completed his probation until his probation was actually terminated.

(5) Failure to observe the rules and conduct proper enquiry

Attention is solicted to the remarks of the Commissioner in paras 4 &5 of his letter forwarding the appeal on pp 50-52 of (C). It will appear that the procedure precribed in Rule 4 of the rules relating to the appointment and punishment of servants of ~~[illegible]~~ municipal councils was followed. An enquiry was held and ~~that~~ the memorialist was allowed a reasonable opportunity to defend himself. The enquiry was protracted on account of the delay on the part of the memorialist to submit his explanations and enter his defence at the enquiry in proper time.

2. The memorial is belated as it was submitted nearly two years after orders were passed on his appeal, and is liable to rejection. ~~[illegible]~~ There appears to be no prima facie case for interfering with the orders passed on appeal. There is no bar to his reemployment If the appointing authority of the municipal council is now inclined to take him back in the service and applies for any relaxation of rules it may be considered on merits.

3. A draft memo to the Commissioner, Bellary Municipality, is submitted below for approval. After issue the file may be sent to L.A. for remarks

1/2/50 The memorial is belated. It does not seem necessary to call for details as in the draft below L.A may see.

4-2-50 L.A

4.2.50

4/2/50

L.A. dept (9)

The revs of the Eff.H. dept at 'A' and 'B' above may be concerned in and the file returned to the Eff.H.

13/2/50 The petitioner has no right of appeal to Govt

13.2.50. 13.2.50 Eff.H.

LOCAL ADMINISTRATION DEPARTMENT 5308 4 FEB 1950 SECRETARIAT, MADRAS

Notes from page 1 ante may be perused. (B section.)

The case relates to the memorial of Sri Vasudeva Rao ex-clerk, Municipal High school, Bellary, against the orders of the Commissioner, Bellary Municipality, dated from 19- terminating his probation and removing him from service. He preferred an appeal to the Inspector of Municipal Councils and Local Boards against the Commissioner's order and it was dismissed on 21-9-46. He has no right of appeal to Govt. Hence he has memorialed. The memorial is belated and liable to rejection No case has been made out for interfering with the orders passed on appeal. L.A. have concurred with the views of this Dept

The file may be circulated to H.M.(Edn) and H.M.(L.A) for orders whether the memorial may be rejected.

16-2-50

17-2-50

H.M.(Edn & L) 1/3

H.M.(L.A)

1/3